

MARTORELL LAW APC

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Attorneys for Plaintiff and Counter-Defendant,
PARTY ANIMAL, INC.

(See signature block below for additional counsel)

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

PARTY ANIMAL, INC.

Plaintiff,
v.

EVANGER'S DOG AND CAT FOOD
CO. INC., an Illinois corporation;
NUTRIPACK, LLC, an Illinois limited
liability company; and DOES a through
100, inclusive,

Defendants.

EVANGER'S DOG AND CAT FOOD
CO., INC., an Illinois corporation,

Counter-Claimant,
v.

PARTY ANIMAL, INC.

Counter-Defendant.

Case No. 2:17-cv-03422-MSC-FFM

[Assigned to Hon. Maame Ewusi-Mensah
Frimpong Courtroom 8B]

**JOINT PROPOSED STATEMENT OF
THE CASE**

Trial Date: May 1, 2023

Complaint Filed: May 5, 2017

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13 Attorneys for Defendant and Counter-Claimant,

14 EVANGER'S DOG AND CAT FOOD CO., INC.

15 and Defendant NUTRIPACK, LLC

JOINT CASE STATEMENT

Pursuant to this Court's Order re: Jury Trial, Docket No. 252, the parties hereby submit this brief statement of the case.

Plaintiff's Statement:

Plaintiff Party Animal, Inc. ("Plaintiff") brings this lawsuit against Defendant Evanger's Dog and Cat Food Co., Inc. ("Evanger's"). Plaintiff claims that it had contracted with Defendant to make Plaintiff's organic certified pet food. Plaintiff claims that instead, Defendant made Plaintiff pet food that was contaminated with pentobarbital, a drug that is commonly used to euthanize animals. Plaintiff claims that having pentobarbital in its pet food, along with Defendant's conduct, caused injury to Plaintiff, including a mandatory recall, lost profits, and injury to its reputation.

Defendant Evanger's alleges that Plaintiff is liable to it for unpaid invoices associated with making Plaintiff's pet food. Plaintiff denies that it is liable to Defendant Evanger's for unpaid invoices.

Defendant's Statement On Plaintiff's Complaint:

Plaintiff Party Animal, Inc. ("Plaintiff") entered into contracts to purchase organic pet food from Defendants Evanger's Dog and Cat Food Co., Inc. ("Evanger's"). Evanger's concedes that the pet food it delivered under two contracts did not conform to Plaintiff's order because it was contaminated. Plaintiff then had to recall these two contaminated products. Plaintiff claims that the recall caused injury to Plaintiff, including lost profits, and injury to its reputation. Evanger's denies Plaintiff is entitled to the amount of damages it claims.

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1 In its Counterclaim, Defendant Evanger's alleges that Plaintiff ordered,
2 received, and sold organic pet food Evanger's made but that Plaintiff has refused to
3 pay for it. Plaintiff denies that it is liable to Defendant Evanger's.

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5 DATED: April 28, 2023

MARTORELL LAW APC

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7 By: /s/ Jean-Paul Le Clercq
8 JEAN-PAUL LE CLERCQ
9 Attorneys for Plaintiff and Counter-
Defendant PARTY ANIMAL, INC.

10 DATED: April 28, 2023

**KNABE & BEDELL
LYNBERG & WATKINS**

11
12 By: /s/ Gregory A. Bedell
13 GREGORY A. BEDELL
14 Attorneys for Defendant and Counter-
15 Claimant, EVANGER'S DOG AND CAT
16 FOOD CO., INC. and Defendant
17 NUTRIPACK, LLC.
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